

order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

**Present—Not Voting.**

Martin.

**Absent—Excused.**

DeBerry. Fellbaum.

**Senate Bill No. 490.**

By Senator Hornsby:

S. B. No. 490, A bill to be entitled "An Act amending Article 6674K, of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**Senate Bill No. 491.**

Senator Neal sent up the following local bill:

By Senator Neal:

S. B. No. 491, A bill to be entitled "An Act changing the time of holding the terms of the District Court in the 49th Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in counties composing said district, together with jurors heretofore selected, are valid and returnable to the first term of such court, after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect, to the

end of their terms; repealing all conflicting laws; fixing the effective date of this Act, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**Senate Bill No. 464.**

The question recurred on the pending motion of Senator Woodruff to take up S. B. No. 464.

The motion prevailed by the following vote:

**Yeas—16.**

Beck.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Stone.
Hill.	Sulak.
Hopkins.	Van Zandt.
Martin.	Westerfeld.
Oneal.	Woodruff.

**Nays—8.**

Duggan.	Neal.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Moore.	Small.

**Present—Not Voting.**

Davis.

**Absent.**

Burns. Regan.  
Redditt.

**Absent—Excused.**

DeBerry. Fellbaum.

**Laid on the Table Subject to Call.**

S. B. No. 464 was read the second time and laid on the table subject to call on motion of Senator Woodruff.

**Recess.**

On motion of Senator Pace, the Senate recessed at 4:33 o'clock until 8 p. m.

**FORTY-SEVENTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
April 8, 1935.

**After Recess.**

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

**Requests to Suspend Regular Order.**

By unanimous consent the regular order of business was suspended and the following bills were taken up out of their regular order:

**Senate Bill No. 41.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Rawlings:  
S. B. No. 41, A bill to be entitled "An Act to amend Article 4704, Chapter 2, Title 78, of the Revised Civil Statutes of the State of Texas, 1925, relating to stock of insurance companies, so as to provide that the shares of any insurance company organized under the laws of Texas, if stock with a nominal or par value, shall be divided into shares of not less than \$10.00 each nor more than \$100.00 each; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 41 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Small.
Duggan.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Moore.	Woodruff.
Neal.	

**Absent—Excused.**

Fellbaum.	Rawlings.
Hopkins.	Shivers.
Martin.	

Read third time and finally passed by the following vote:

**Yeas—20.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Duggan.	Regan.
Hill.	Small.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Moore.	Woodruff.

**Nays—1.**

DeBerry.

**Absent.**

Davis.	Sanderford.
Hopkins.	Shivers.
Martin.	Stone.
Rawlings.	Sulak.

**Absent—Excused.**

Fellbaum.

**Senate Bill No. 366.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Westerfeld:

S. B. No. 366, A bill to be entitled "An Act amending Article 4201, Chapter 8, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature relative to the sale of real estate by guardians by providing that before any sale by a guardian shall be confirmed or the title of the ward to such real estate shall pass to the purchaser, the court shall find and determine that the general bond of the guardian is in an amount equal to double the value of the personal property on hand, including the amount for which such real estate may be sold, plus such an additional sum as may, in the opinion of the court, be necessary to protect the estate of the ward, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Westerfeld, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 366 was put on its third reading and final passage by the following vote:

## Yeas—22.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Small.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.

## Absent—Excused.

Fellbaum.	Sanderford.
Hopkins.	Shivers.
Martin.	Stone.
Rawlings.	Westerfeld.

Read third time and finally passed  
by the following vote:

## Yeas—24.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Van Zandt.
Martin.	Woodruff.

## Absent—Excused.

Fellbaum.	Shivers.
Hopkins.	Sulak.
Rawlings.	Westerfeld.

## Senate Bill No. 367.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Westerfeld:

S. B. No. 367, A bill to be entitled  
"An Act amending Article 4216,  
Chapter 8, Title 69 of the Revised  
Civil Statutes of the State of Texas,  
adopted at the Regular Session of  
the Thirty-ninth Legislature relating  
to the confirmation of sales of real  
estate by guardians by requiring the  
court to determine and find that the  
guardian's general bond is in a sum  
equal to double the value of the per-  
sonal property on hand including the  
amount for which the real estate is  
being sold before confirming such

sale, and providing that the title to  
such real estate shall not pass until  
the provisions hereof shall be strictly  
complied with, and declaring an  
emergency."

The committee report recommend-  
ing that the bill be printed was  
adopted by unanimous consent.

The committee amendment was  
adopted.

The bill was read second time and  
passed to engrossment by viva voce  
vote.

On motion of Senator Van Zandt,  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and S. B. No. 367 was put  
on its third reading and final passage  
by the following vote:

## Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Rawlings.
Hopkins.	Shivers.
Martin.	Sulak.

Read third time and finally passed  
by the following vote:

## Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Rawlings.
Hopkins.	Shivers.
Martin.	Sulak.

**Senate Bill No. 457.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Stone:

S. B. No. 457, A bill to be entitled "An Act making it lawful to kill squirrels in Lee County at any time; repealing all laws in conflict therewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 457 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Van Zandt.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.	Shivers.
Hopkins.	Sulak.
Rawlings.	Westerfeld.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Shivers.
Hopkins.	Sulak.
Rawlings.	

**Senate Bill No. 141.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 141, A bill to be entitled "An Act amending Article 2910 of the Revised Civil Statutes of the State of Texas, 1925, eliminating from the said article the provision which prohibits any person interested in the publication of textbooks or in selling the same to be used in the public schools of this State from being eligible to hold certain positions in the public schools in this State, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 141 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Shivers.
Hopkins.	Sulak.
Rawlings.	

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Shivers.
Hopkins.	Sulak.
Rawlings.	

## House Bill No. 888.

The Chair laid before the Senate H. B. No. 888:

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 888 was put on its second reading by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Sulak.
Shivers.	

H. B. No. 888, A bill to be entitled "An Act providing for the relief of Eagle Pass Independent School District of Maverick County, Texas, in order to aid the school district in accommodating the large growth of population due to the development of Quemado Valley Irrigation Settlement which covers a portion the Eagle Pass Independent School Dis-

trict of 1934; making appropriation out of the State Treasury of seven thousand dollars (\$7,000) to said district for said purposes, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 888 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Sulak.
Shivers.	

Read third time and finally passed by the following vote:

## Yeas—23.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Nays—4.

Collie.	Poage.
DeBerry.	Van Zandt.

## Absent—Excused.

Fellbaum. Sulak.  
Shivers.

## Senate Bill No. 401.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 401, A bill to be entitled "An Act to prohibit the use of certain words in the name of corporations hereafter incorporated under the laws of this State, providing that all charters of companies containing any of such words in their corporate name shall be canceled and forfeited unless an amendment is filed in the manner provided by law or certain permission secured to use said name within ninety (90) days after this Act becomes effective, and declaring an emergency."

Senator Poage sent up the following amendment:

Amend S. B. No. 401, Section 1, line 26, by adding the following:

"Veterans of Foreign Wars or Veterans of the Spanish-American War."

POAGE.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 401 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum. Sulak.  
Shivers.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—1.

Burns.

## Absent—Excused.

Fellbaum. Sulak.  
Shivers.

## Senate Bill No. 224.

The Chair laid before the Senate on its second reading the following bill:

By Senator Rawlings:

S. B. No. 224, A bill to be entitled "An Act to permit and authorize N. P. Turner, of San Antonio, Texas, to bring and prosecute an action against the State of Texas on a certain contract; fixing the time within which the same may be brought; fixing the venue thereof in Travis County, Texas; providing that any judgment recovered be paid from the State Highway Fund; providing for service of citation; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by a viva voce vote.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 224 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Sulak.
Shivers.	

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Nays—2.

DeBerry.	Hill.
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## Absent—Excused.

Fellbaum.	Sulak.
Shivers.	

## House Bill No. 723.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 723, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 15,720 nor more than 15,730, according to the Federal census; providing for office and traveling expense; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 723 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Sulak.
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Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Nays—1.

DeBerry.
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## Absent—Excused.

Fellbaum.	Sulak.
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## Senate Bill No. 87.

The Chair laid before the Senate on its second reading the following bill:

By Senators Oneal and Poage:  
S. B. No. 87, A bill to be entitled

"An Act amending Article 4442, Revised Statutes of the State of Texas, 1925, by adding to said Article Section No. 5, so as to provide that when a keeper, manager, or owner of an institution defined in said Article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, they may be enjoined in a suit filed by the Attorney General, district or county attorney, or any citizen; and declaring an emergency."

(With committee substitute.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted by viva voce vote.

Senator Oneal sent up the following amendment:

Amend C. S. S. B. No. 87 by striking out all of Section 2, and renumbering the following sections to conform; and by amending the caption to conform.

ONEAL.

Read and adopted.

The bill was read second time as substituted and amended and passed to engrossment by viva voce vote.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 87 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Sulak.

Read third time and finally passed by the following vote:

32—Jour.

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Sulak.

Senate Bill No. 238.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 238, A bill to be entitled "An Act to amend and amending Article 2968, Revised Civil Statutes of Texas, 1925, as amended by Chapter 26 of the Fifth Called Session of the Forty-first Legislature and to provide for and to require the issuance of certificates of exemption without cost to all qualified voters not subject to the payment of a poll tax and providing the form thereof and the character of record to be made and kept by the tax collector and providing for the cancellation and reissue or indorsement thereof when the voter moves from one county to another and for the reissue in the event of loss of such certificate and to require the entry of the names of persons to whom such certificates are issued on the list of legal voters and declaring an emergency."

(With committee amendment.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted by viva voce vote.

Amend S. B. No. 238 by changing the official title tax collector to assessor and collector of taxes, wherever it appears in the bill and amend the caption to conform.

NEAL.

Read and adopted.



The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 238 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Fellbaum. Sulak.

Read third time and finally passed by the following vote:

**Yeas—18.**

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Regan.
Duggan.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

**Nays—10.**

Burns.	Holbrook.
Cotten.	Moore.
Davis.	Pace.
DeBerry.	Redditt.
Hill.	Sanderford.

**Absent—Excused.**

Fellbaum. Sulak.

**Motion to Reconsider.**

Senator Neal moved to reconsider the vote by which S. B. No. 238 was finally passed and spread on the Journal.

**Senate Bill No. 26.**

The Chair laid before the Senate on its second reading the following bill:

**By Senator Moore:**

S. B. No. 26, A bill to be entitled "An Act to amend Articles 1847 and 1948, Chapter 3, Title 39, of the Revised Statutes of 1925, as amended by Chapter 64, page 98, of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said Court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said Court, and for extension of time for submission of cases in said Court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict with this Act; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

**Absent—Excused.**

Fellbaum. Sulak.

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Burns.
Blackert.	Collie.

Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Fellbaum.	Sulak.
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#### House Bill No. 521.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 521, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds, and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certificate, pre-organization certificate or receipt, subscription or reorganization certificate, note, bond, debenture, mortgage certificate or other evidence of indebtedness, any form of commercial paper, certificate in or under a profit sharing or participation agreement certificate of interest in or under an oil, gas, or mining lease or title, or any certificate or instrument representing or secured by an interest in any or all of the capital property, assets, profits or earnings of any company, investment contracts, or any other instrument commonly known as a security, whether similar to those herein referred to or not, and providing for the registration of certain persons and companies dealing in securities, this Act being a blue sky law superseding the present blue sky law of this State, etc., and declaring an emergency."

(With committee substitute.)

#### Amendment No. 1.

Amend H. B. No. 521, Section 26, page 13, line 46, by striking out the number "18" and substituting in lieu thereof the number "25."

MOORE.

Read and adopted.

#### Amendment No. 2.

Amend H. B. No. 521, Section 33, page 16, line 6, by striking out the

number "5" and inserting in lieu thereof the number "3."

MOORE.

Read and adopted.

#### Amendment No. 3.

Amend H. B. No. 521, Section 33, page 16, line 5, by striking out the number "16" and inserting in lieu thereof the number "23"

MOORE.

Read and adopted.

#### Amendment No. 4.

Amend H. B. No. 521, Section 29, page 14, line 46, by striking out the number "24" and inserting in lieu thereof the number "31."

MOORE.

Read and adopted.

#### Amendment No. 5.

Amend H. B. No. 521, Section 2, page 3, line 23, by striking out the numbers "7" and "8" and substituting in lieu thereof the numbers "13" and "14."

MOORE.

Read and adopted.

#### Amendment No. 6.

Amend H. B. No. 521, Section 23, page 12, line 34, by striking out the number "16" and substituting in lieu thereof the number "23."

MOORE.

Read and adopted.

#### Amendment No. 7.

Amend H. B. No. 521, Section 38, page 18, line 15, by striking out the number "27" and substituting in lieu thereof the number "36."

MOORE.

Read and adopted.

#### Amendment No. 8.

Amend H. B. No. 521, Section 14, page 8, line 51, by striking out the number "8" and substituting in lieu thereof the number "15."

MOORE.

Read and adopted.

Senator Redditt sent up the following amendment:

Amend H. B. No. 521, Section 36, page 17, line 48, by inserting, after the words "Secretary of State," these words: "Provided, however, in no event shall the expenditures for the

administration of this Act exceed twenty thousand dollars (\$20,000.00) for any one calendar year.

"It is further provided that the compensation of all persons employed for the administration of this Act shall be in line with salaries paid other State officials and employees holding similar positions, and doing similar work; and, after August 31, 1937, all expenditures for the administration of this Act shall be in the amounts and for the purposes fixed by the Legislature in the General Appropriation Bill."

**REDDITT.**

Read and pending.

Laid on Table Subject to Call.

Senator Hornsby received unanimous consent to lay H. B. No. 521 on the table subject to call.

#### Senate Bill No. 223.

The Chair laid before the Senate on its second reading the following bill:

By Senator Shivers:

S. B. No. 223, A bill to be entitled "An Act amending Article 802, of the Penal Code of the Revised Statutes, 1925, providing that any person driving or operating an automobile or other vehicle upon any street or alley or other place within the limits of any incorporated city, town or village or upon any public road or highway in this State while intoxicated or in any degree under the influence of intoxicating liquor shall be confined in the penitentiary for not more than two years or be confined in jail for not more than ninety days or fined not more than \$500.00 or be punished by both such fines and imprisonment in jail and providing that the suspended sentence law shall not apply to such offenses; repealing all laws and all parts of laws in conflict herewith; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 223 was put on its third reading and final passage by the following vote:

#### Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

#### Absent—Excused.

Fellbaum.

Sulak.

Read third time and failed of final passage by the following vote:

#### Yeas—10.

Beck.	Poage.
Burns.	Redditt.
Cotten.	Sanderford.
Hill.	Shivers.
Oneal.	Woodruff.

#### Nays—15.

Collie.	Neal.
Davis.	Pace.
DeBerry.	Rawlings.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	

#### Present—Not Voting.

Duggan.

#### Absent.

Blackert.

Stone.

#### Absent—Excused.

Fellbaum.

Sulak.

#### Senate Bill No. 280.

The Chair laid before the Senate on its second reading the following bill:

By Senator Martin:

S. B. No. 280, A bill to be entitled "An Act authorizing the assessor and collector of taxes, sheriff, or the sheriff and assessor and collector of taxes to administer all oaths necessary for the discharge of the duties of their respective offices, and to ad-

minister all oaths necessary in the transaction of the business of their respective offices; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 280 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Sulak.
Pace.	

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

## Absent—Excused.

Fellbaum.	Sulak.
Pace.	

## House Bill No. 388.

Th Chair laid before the Senate on its second reading the following bill:

H. B. No. 388, A bill to be entitled "An Act adding a new article to the Revised Civil Statutes, 1925, to be known as Article 6954a; providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe County, etc., and declaring an emergency."

Amend H. B. No. 388 by inserting the words "and Hardeman, Gonzales and Wise," after the word "Guadalupe," in Section 1 and Section 2 of said bill.

## ONEAL.

Read and adopted.

Amend caption to H. B. No. 388 to conform to changes made in the body of the bill.

## ONEAL.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time, as amended, and passed to third reading by viva voce vote.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 388 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Van Zandt.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

## Absent—Excused.

Fellbaum.	Pace.
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Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	DeBerry.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.

Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.

Absent—Excused.

Fellbaum. Pace.

**Senate Bill No. 46.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 46, A bill to be entitled "An Act amending Article 5058 of the Revised Civil Statutes of Texas, 1925, so as to prohibit the issuing, signing, countersigning, or delivering of certain insurance policies except through regularly licensed local recording agents as the term is defined in Chapter 96, page 150, Acts of the Forty-second Legislature, 1931, and requiring notice of inability to insure to be filed with the Board of Insurance Commissioners, but exempting companies not operating through local recording agents, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.
Moore.	

Nays—1.

Westerfeld.

Absent—Excused.

Fellbaum. Pace.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	

Nays—3.

Cotten. Woodruff.  
Westerfeld.

Present—Not Voting.

DeBerry.

Absent—Excused.

Blackert. Pace.  
Fellbaum.**Senate Bill No. 218.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Hill:

S. B. No. 218, A bill to be entitled "An Act relating to the giving, drawing, possessing, making or uttering of a check when the maker, drawer or utterer does not have sufficient funds in the bank to cover same; providing penalties, and declaring an emergency."

Laid on the Table Subject to Call.

On motion of Senator Hill, S. B. No. 218 was laid on the table subject to call after it had been read the second time.

**Senate Bill No. 189.**

The Chair laid before the Senate on its second reading the following bill:

By Senators Duggan, Holbrook, and Woodruff:

S. B. No. 189, A bill to be entitled "An Act amending Articles 7050,

7052, 7053, 7054, Revised Civil Statutes of 1925, and Section 1, H. B. 514, Chapter 267, Acts Regular Session Forty-second Legislature, and amending paragraph E, Section 3, Section 4, Section 5, Section 10, and Section 11 of H. B. 122, Chapter 116, Acts Regular Session Forty-third Legislature, and declaring an emergency."

(With committee substitute.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time and, as substituted, passed to engrossment by viva voce vote.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 189 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Pace.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Pace.
Fellbaum.	

Senate Bill No. 227.

The Chair laid before the Senate on its second reading the following bill:

By Senator Davis:

S. B. No. 227, A bill to be entitled "An Act creating a State Conservation Board, providing for its duties, fixing the membership thereof, providing for its organization, conferring on it authority to adopt rules and regulations governing its organization and the conduct of its business, providing its authority; etc., and declaring an emergency."

(With committee substitute.)

Senator Davis sent up the following amendment for committee substitute for S. B. No. 227:

Amend Committee Substitute for Senate Bill No. 227 by striking out all below the enacting clause and insert in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. In order to carry out the constitutional mandate expressed in Section 59a of Article XVI of the Constitution of Texas, and more effectually to conserve and develop the natural resources of the State, there is hereby added to the duties of The Board of Directors of A. & M. College, in addition to the duties heretofore imposed upon said board by law, the duty of making an executing plans for the prevention of soil erosion and the resultant loss of soil fertility, thereby conserving the rainfall, by the construction and maintenance of farm terraces, dikes, ditches, soil and water reservoirs, and other soil and water conservation and erosion prevention services; and cooperating with the United States Government and with counties and political subdivisions and other agencies engaged in such work.

Sec. 2. The Board of Directors of A. & M. College shall have charge of all work necessary to carry out the provisions of this Act, and shall call to their assistance the other State agricultural agencies and experts. All members of the said

Board shall serve without additional compensation to that paid them for their official services in the capacities named, but shall be paid actual travel and subsistence expenses when attending meetings necessary to carry out provisions of this Act, or in the performance of duties required herein, and when away from their respective places of residence.

Sec. 3. The Board of Directors of A. & M. College shall have authority to employ a secretary, who shall perform such duties as the Board above mentioned may direct, and said secretary shall be provided with office space and supplies at Texas A. & M. College, at College Station, Texas.

Sec. 4. The Board of Directors of A. & M. College shall have authority to accept gifts, grants, donations, advances and services from the United States or any other governmental agency, and to allocate any funds, services, donations, or property thus received to the several counties, to be used by the Commissioners' Courts of the several counties, or under their direction, in the performance of the acts authorized herein; and shall have authority to prescribe general rules and regulations for the administration of such funds and the construction of any of the work provided for in this Act.

Sec. 5. The Commissioners' Courts of the several counties may provide for the construction of improvements on the lands lying within their respective counties, in the nature of farm terraces, dikes, ditches, soil and water reservoirs, and other soil and water conservation and erosion prevention services, assessing the landowner with an assessment not to exceed the actual cost of labor, material, and fuel, and no charge shall be made for depreciation and/or other expenses. The amount so assessed against the landowner, shall be and remain a lien upon and against the lands upon which such money was used for any or all of the improvements mentioned in this section.

The County Commissioners' Courts shall consult and advise with the County Farm Demonstrators, and/or employ other capable and experienced agent or agents, in the application and operation of this act.

The Commissioners' Courts of the several counties cannot undertake

the improvements hereon unless the landowner petitions said Court so to do. Said courts must enter into a written contract with the landowner for any and all of the improvements herein specified, provided that no contract can grant the landowner a period of more than ten years from date of the contract itself for payment of the Commissioners' Courts of assessments against said landowner in making the said improvements, and provided further that said assessments shall bear no interest until after maturity, said contract form to be drawn by the Attorney General's Department. Only one contract can be made with any individual landowner in any one calendar year. Anyone receiving any benefits hereunder must be the owner of record of such land on which any improvements hereunder are to be made; provided further that nothing in this Act shall affect the existing statutes regarding impounding water reservoirs.

Sec. 6. In order to provide a fund in aid of the construction and maintenance of the improvements and structures named in Section 5 of this Act, the Commissioners' Court of each county may appropriate any amount up to twenty-five (25%) per cent of the net collection made in each such county of the motor vehicle license fees not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00), and, in the event of such appropriation, on Monday of each week the County Tax Assessor-Collector of said county shall deposit in the county depository of his county to the credit of a special fund to be known as the Soil Conservation and Erosion Fund the amount ordered by the Commissioners' Court not to exceed twenty-five (25%) per cent of the net collections made of motor vehicle license fees during the preceding week, until the amount so deposited for the current calendar year shall have reached a total sum not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00), which collection shall be deducted and deposited before the amount provided by Section 10 of Chapter 88, Acts of Second Called Session of the Forty-first Legislature, are deposited, as therein provided. All funds accruing to the county from this source, or by virtue of any of the

other terms and provisions of this Act, shall be deposited and kept in the Soil Conservation and Erosion Fund, and may be expended for the purposes herein set out. Moneys may be withdrawn from said fund under the direction of the Commissioners' Court, and used for the purposes of purchasing, maintaining and repairing machinery and equipment, and furnishing labor, and any such machinery so purchased by the county, and any road machinery owned by the county and not necessarily used on the public roads, may be used on private lands for the purpose of constructing and maintaining the improvements and structures in this Act provided. Any unused portion of the said Soil Conservation and Erosion Fund derived from motor vehicle license fees, and expended at the end of the calendar year may revert to the Road and Bridge Fund of such county, at the option of the Commissioners' Court.

Sec. 7. In order to provide a fund for the necessary expenses and operations of said duties, there is hereby appropriated the sum of Ten Thousand Dollars (\$10,000.00) available at once and to continue available through the biennium ending Sept. 1, 1937, out of funds not heretofore appropriated from the general fund of the State Treasury to be withdrawn on warrants signed by the Director of the Extension Service of A. & M. College.

Sec. 8. Should any provision, part or clause of this Act be held unconstitutional, it is hereby declared to be the legislative intent that the remainder of this Act shall remain in full force and effect, and that the terms of said Act are feasible, and that it would have enacted the same, omitting any such provision, part or clause.

Sec. 9. The fact that there are excessive annual losses in this State from soil erosion and excessive runoff of rainfall, resulting in reduced crop yields, permanent damage to land and the reduction of its productive capacity, and that there now exists no legal machinery for providing a soil and water conservation program, creates an emergency and imperative public necessity requiring that the constitutional rule that bills be read in each House on three several days be, and the same is hereby

suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted.

DAVIS.

Amend S. B. No. 227 by amending the caption to conform to the body of the bill.

DAVIS.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee substitute, as amended, was adopted.

The bill was read second time, as substituted, and passed to engrossment by viva voce vote.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 227 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Pace.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Rawlings.
Burns.	Redditt.
Collie.	Regan.
Cotten.	Sanderford.
Davis.	Shivers.
Duggan.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—3.

DeBerry.	Poage.
Hill.	



## Absent—Excused.

Blackert. Hopkins.  
Fellbaum. Pace.

## Senate Bill No. 441.

The Chair laid before the Senate on its third reading the following bill:

By Senator Cotten:

S. B. No. 441, A bill to be entitled "An Act amending Article 6643, Revised Civil Statutes of Texas, 1925, as amended, Acts 1927, Fortieth Legislature, page 83, Chapter 59, Section 1, and declaring an emergency."

Senator Cotten sent up the following amendment:

Amend S. B. No. 441, by striking out all of Section 1, and inserting in lieu thereof the following:

"Section 1. Provided that no notice provided for in Article 6640, 6641 and 6642, Revised Civil Statutes of Texas, 1925, shall be recorded by any clerk of court of record in this State until the plaintiff or his agent presents to said clerk a certificate duly certifying that all process for service on the adverse party, or parties, to such suit, have been duly and legally issued."

And amend the caption to conform.  
COTTEN.

Read and adopted.

Read, as amended, and finally passed by the following vote:

## Yeas—26.

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

Blackert. Hopkins.  
Fellbaum. Pace.

## Senate Bill No. 217.

The Chair laid before the Senate on its second reading the following bill:

By Senators Burns and Hopkins:

S. B. No. 217, A bill to be entitled "An Act to amend H. B. No. 19,

Chapter 44, page 98, Acts, First Called Session, Forty-first Legislature, providing for the compensation and hospitalization under certain conditions of certain employees of the State Penitentiary System, repealing all laws in conflict therewith; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 217 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

## Absent—Excused.

Blackert. Hopkins.  
Fellbaum. Pace.

Read third time and finally passed by the following vote:

## Yeas—18.

Beck.	Rawlings.
Burns.	Redditt.
Collie.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hornsby.	Small.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

## Nays—8.

Cotten.	Oneal.
DeBerry.	Poage.
Hill.	Stone.
Holbrook.	Sulak.

## Absent—Excused.

Blackert. Hopkins.  
Fellbaum. Pace.

**Senate Bill No. 84.**

The Chair laid before the Senate on its second reading the following bill:

By Senators Beck, Holbrook, Hornsby, Sanderford, Shivers, Cotten, Hill, Fellbaum, Rawlings, Poage, Hopkins, and Collie:

S. B. No. 84, A bill to be entitled "An Act which provides for the prevention and control of disease; defining certain terms; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 84 was put on its third reading and final passage by the following vote:

**Yeas—24.**

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.

**Nays—1.**

Westerfeld.

**Absent—Excused.**

Blackert.	Moore.
Fellbaum.	Pace.
Hopkins.	

Read third time and finally passed by viva voce vote.

**Senate Bill No. 405.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodruff:

S. B. No. 405, A bill to be entitled "An Act amending Article 1019a of

the Code of Criminal Procedure of the State of Texas, enacted as Chapter 200, Acts of the Forty-second Legislature, 1931, providing for fees of officers in certain cases, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 405 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Blackert.	Hopkins.
Fellbaum.	Pace.

Read third time and finally passed by the following vote:

**Yeas—22.**

Beck.	Neal.
Burns.	Oneal.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.

**Nays—4.**

DeBerry.	Sulak.
Poage.	Westerfeld.

**Absent—Excused.**

Blackert.	Hopkins.
Fellbaum.	Pace.

**Motion to Recess.**

Senator Sanderford, at 10:23 o'clock p. m., moved that the Senate recess until 10:00 o'clock a. m. Tuesday.

The motion lost by the following vote:

**Yeas—9.**

Cotten.	Sanderford.
DeBerry.	Shivers.
Hill.	Stone.
Martin.	Sulak.
Moore.	

**Nays—14.**

Burns.	Oneal.
Collie.	Poage.
Davis.	Rawlings.
Duggan.	Regan.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Neal.	Woodruff.

**Absent.**

Beck.	Small.
Redditt.	

**Absent—Excused.**

Blackert.	Hopkins.
Fellbaum.	Pace.

**Senate Bill No. 402.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Davis:

S. B. No. 402, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of Brown, Callahan, Comanche or Eastland Counties in the State of Texas for the purpose of making scientific investigations and experiments in the production of fruits, berries, grapes, nuts, vegetables and farm crops and for the fertilization and conservation of soils in the West Texas cross timber sandy land area and for conducting scientific experiments in poultry raising, dairying and bee culture, authorizing said board of directors to acquire a suitable site therefor, and to accept donations of land and money for said

purpose, providing that such experiment station shall be under the general supervision of said board of directors and providing that unless donations of land within said territory with available water for irrigation purposes thereon suitable and sufficient for experiment station are made for said purposes, said experiment station shall not be established."

(With committee amendments.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 402 was put on its third reading and final passage by the following vote:

**Yeas—24.**

Beck.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Shivers.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Blackert.	Martin.
Fellbaum.	Pace.
Hopkins.	Sanderford.

Read third time and finally passed by the following vote:

**Yeas—22.**

Beck.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

**Nays—3.**

Cotten. Sulak.  
DeBerry.

**Absent—Excused.**

Blackert. Martin.  
Fellbaum. Pace.  
Hopkins.

**Message From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on H. B. No. 444 by a vote of 104 yeas and 12 nays.

The House has passed the following bill:

H. B. No. 65, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of Texas of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas, and to limit the earnings of persons, companies, or corporations coming within the provisions of said article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum; etc."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Point of "No Quorum."**

Senator Sanderford raised the point of "no quorum."

The roll call disclosed no quorum.

**Personal Privilege.**

Senator Hornsby rose to the point of personal privilege.

**Adjournment.**

On motion of Senator Hornsby the Senate at 10:35 o'clock p. m. adjourned until 10:00 o'clock a. m. Tuesday.

**APPENDIX.**

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, April 5, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 28 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,  
Austin, Texas, April 5, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 24 carefully examined and compared and find same correctly enrolled.

Poage, Chairman.

Committee Room,  
Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 30 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 888,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 5, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 488, A bill to be entitled "An Act reenacting the Anti-trust Laws of the State of Texas and eliminating therefrom certain exceptions and exemptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

#### Minutes of Committee Meetings.

Minutes of the Meeting of the Committee on Criminal Jurisprudence.

Held April 3, 1935.

Present: Collie, Cotten, Davis, Hopkins, Hornsby, Martin, Rawlings, Small, Stone and Van Zandt.

Absent—excused: Fellbaum, Hill and Woodruff.

The Chair laid before the committee S. B. No. 128. It was moved by Senator Cotten and seconded by Senator Hornsby that S. B. No. 128 be reported favorably with the recommendation that it do pass and be printed. The motion was carried by viva voce vote.

The Chair laid before the committee H. B. No. 185. Mr. Dixon and Mr. Spears spoke on the bill. They introduced two committee amendments. It was moved by Senator Hopkins and seconded by Senator Cotten that the committee amendments be adopted. The motion was carried by viva voce vote. It was moved by Senator Hopkins and seconded by Senator Hornsby that the bill be reported favorably with the recommendation that it do pass with committee amendments and be not printed.

It was moved by Senator Cotten and seconded by Senator Davis that the committee recess subject to call of the Chair. The motion was carried by viva voce vote.

ELIZABETH PENNINGTON,  
Secretary.

#### FORTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
April 9, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

#### Present.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

#### Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Minutes of Committee Meetings.

(See Appendix.)

#### Bill and Resolutions Referred.

H. B. No. 65, was referred to the Committee on State Affairs.

H. C. R. No. 74, was referred to the Committee on Public Health.

H. J. R. No. 39, was referred to the Committee on Constitutional Amendments.

#### Motion to Re-refer.

Senator Oneal moved to re-refer H. B. No. 65 to the Committee on Towns and City Corporations.

#### Motion to Table.

Senator Van Zandt moved to table the motion to re-refer.

The motion to table lost by the following vote:

Yeas—11.

Beck.	Sanderford.
Holbrook.	Shivers.
Martin.	Stone.
Moore.	Van Zandt.
Rawlings.	Woodruff.
Redditt.	